

## HUMAN SERVICES DEPARTMENT[441]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 78, "Amount, Duration, and Scope of Medical and Remedial Services," Iowa Administrative Code.

The proposed amendment to subrule 78.50(1) affects Medicaid coverage for medical services provided by local education agencies (schools). Previous federal guidance provided a complex set of principles for transportation reimbursement that were interpreted to allow schools to claim all costs of transporting students who are served under the Individuals with Disabilities Education Act. Federal regulations have been adopted to eliminate coverage of transportation from home to school and back. However, Congress approved a moratorium on those regulations that delays the effective date until April 1, 2009.

No state Medicaid funding is allocated for local education agency expenses. The local education agency bills Medicaid for covered services and returns the nonfederal share of the Medicaid payment back to the state Medicaid program. This amendment specifies that Iowa Medicaid will not cover any local education agency expenses for a child's transportation from home to school and back if federal funding becomes unavailable due to federal regulation.

Whether or not the moratorium is extended, Medicaid will continue to reimburse for transportation of eligible children from school or home to a non-school-based direct medical service provider that bills under the Medicaid program and from a non-school-based provider to the child's home or school.

The other amendments make technical corrections to update the names of the licensing boards for dentists and optometrists.

These amendments do not provide for waivers in specified situations because the federal regulations do not allow for waivers in claiming Medicaid federal matching funds, and the Department has no state funds available to cover these expenses.

Any interested person may make written comments on the proposed amendments on or before September 3, 2008. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to [policyanalysis@dhs.state.ia.us](mailto:policyanalysis@dhs.state.ia.us).

These amendments are intended to implement Iowa Code section 249A.4.

The following amendments are proposed.

ITEM 1. Amend subrule 78.6(6) as follows:

**78.6(6) *Therapeutically certified optometrists.*** Therapeutically certified optometrists may provide services and employ pharmaceutical agents in accordance with Iowa Code chapter 154 regulating the practice of optometry. A therapeutically certified optometrist is an optometrist who is licensed to practice optometry in this state and who is certified by the board of optometry ~~examiners~~ to employ the agents and perform the procedures provided by the Iowa Code.

ITEM 2. Amend paragraph **78.25(2)"e"** as follows:

*e.* Dental hygiene services within the scope of practice as defined by the dental board of ~~dental~~ ~~examiners~~ at 650—paragraph 10.5(3) "b."

ITEM 3. Amend subrule 78.50(1) as follows:

**78.50(1) *Covered services.*** Covered services include, but are not limited to, audiology services, behavior services, consultation services, medical transportation, nursing services, nutrition services, occupational therapy services, personal assistance, physical therapy services, psychologist services, speech-language services, social work services, vision services, and school-based clinic visit services.

a. Vaccines available through the Vaccines for Children program under Section 1928 of the Social Security Act are not covered as local education agency services. However, the administration of vaccines is a covered service.

b. Payment for supplies shall be approved when the supplies are incidental to the patient's care, e.g., syringes for injections, and do not exceed \$25 per month. Durable medical equipment and other supplies are not covered as local education agency services.

c. To the extent that federal funding is not available under Title XIX of the Social Security Act, payment for transportation between home and school is not a covered service.